



TOWNSHIP OF GALLOWAY  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
PLANNING BOARD      ZONING BOARD OF ADJUSTMENT

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**Heather Butler**  
PLANNING / ZONING BOARD  
ADMINISTRATOR

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**MINUTES**  
**ZONING BOARD**  
**March 13, 2014**

**Present:** Chris Coleman, Richard Clute, Anthony DiPietro, Mike Greb, Jerry Hauslet, Paul McColgan and Mark Sykes

**Absent:** Ronald Huber, Robert Mayer

**Approval of Resolutions:** 1-2014 Gerald Bird Development, LLC.

**Approval of Professional Contracts:** Conflict Engineer: Doran Engineering

**Approval of Bill List:** March 6, 2014

## **New Appeals:**

### **#3-14 Hamid Majd**

122 Buchanan Ave.

B. 620 L. 5

Zoning District: R-1

Front yard setback and variance for location of temporary driveway.

Proposed: The applicant is proposing a front yard setback variance for a proposed dwelling. The applicant is also seeking a variance for the location of a temporary driveway on a collector street as opposed to a minor street, as required by section 233-37B of the land management ordinance.

The applicant represents himself.

Applicant has agreed to address the comments contained in the report dated March 5, 2014 by Tiffany CuvIELlo, Township Planner and also agreed to have a deed restriction on the property.

### **No Public Comments**

Motion to approve application #3-14 Hamid Majd. Front Yard Setback & variance for a temporary driveway in a collector street approval was made by McColgan and Clute 2nd the motion.

Those voting in favor: Coleman, Clute, Dipietro, Greb, Hauslet, McColgan and Sykes

### **#4-14 John Falivene**

8 Carvel Avenue

B. 872 L. 9

Zoning District: RC

Front yard setback, minimum lot depth, minimum lot size

Proposed: The applicant is seeking a variance for the front yard setback, 50 feet is required and he is proposing 32 feet. The minimum lot depth of 200 feet is required and he is proposing 100 feet. The minimum lot size of 1 acre when the existing lot contains 7,800 square feet. The lot does not conform to the pre-existing zoning which required a lot size of 20,000 square feet.

The applicant represents himself.

Tiffany CuvIELlo, Township planner, referenced her report dated March 5, 2014.

## **Public Comments**

Roosevelt and Barbara Barner of 6 Carvel Avenue questioned if the utility pole that services 8 Carvel Avenue will remain on his property. Mr. Falivene stated that it is up to the electric company. Mr. Barner then asked if the neighbors will be able to see into his sunroom. Mr. Falivene stated the purpose of requesting the front yard variance is so the house would be even with their house in the front.

Motion to approve application #4-14 John Falivene front yard setback, lot area and lot depth variances approval was made by Greb and Dipietro 2nd the motion.

Those voting in favor: Coleman, Clute, Dipietro, Greb, Hauslet, McColgan and Sykes

## **#11-13 Risley Development**

Towne Center Drive

B. 985 L. 8.02-8.05

Zoning District: CVC

Preliminary and Final Site Plan Approval

Proposed: The applicant is requesting to construct 24 town house units

**Application has been carried to the April 10, 2014 Zoning Board meeting.**

## **#2-14 Elks Lodge #2845**

120 S. New York Road

B. 1260.01 L. 20

Zoning District: CC-2

“D (1)” Use Variance and several Bulk Variances

Proposed: The applicant is seeking a use variance to convert an office building to an Elks Lodge, a civic organization which is not a permitted use. The applicant is also requesting several bulk variances that relate to the lot and existing structures as follows: Minimum lot size of 20,000 square feet is required but the existing lot is 19,305 square feet. A front yard setback of 35 feet is required but the existing structure has a setback of 21.21 feet. A freestanding sign is required to maintain a front yard setback of 14 feet but the existing sign is setback at 10 feet.

The applicant is represented by Timothy Patrick Maguire, Esq.

Exhibit A-1: Overhead Aerial

Exhibit A-2: Site Plan

Robert Bruce; engineer, gave an overview of what is currently in the area. He also gave an explanation of what the applicant proposes to do. In his opinion the benefits outweigh the detriment for the use variance.

Mr. Thomas, a member of the Elks Club gave an explanation of his position with the Elks Lodge and explained what they do for the community. There are 189 members in that lodge. They have a lounge that is only open to members and their guests. He estimates there are about 12-18 members a day that come there. They did hold special events in the summertime about once a month and would have approximately 80 – 90 people. They have an arrangement with the Charter School next door for the overflow parking.

### **Professional Reports**

Tiffany CuvIELlo, Planner commented on her report dated March 6, 2014. Based on the site plan submitted there are additional variances needed. Tiffany CuvIELlo then questioned if the Elks would have future special events. Mr. Thomas stated their goal is to have special events to raise money. They would continue to have approximately 1 special event a month. Tiffany CuvIELlo then questioned what kind of agreement the Elks Club has with the Charter School for using their parking lot. Mr. Thomas stated they have insurance on the Charter School lot and it is in writing that the Elks Lodge can use their lot. The concern Tiffany has is if the school changes hands will they still be able to use their parking lot.

Chuck Endicott, Engineer, had no report issued. He does recommend they come back for site plan approval.

### **Board Questions:**

Board Member Coleman: Is there a currently a shed on the property?

*Yes.*

Board Member Coleman: Roughly how far from the property line?

*Approximately 6 feet.*

Board Member Coleman: Roughly how many cars can your parking lot fit now?

*10-15 cars.*

Board Member Mayer: With regards of the trash enclosure what is located South of the property?

*Vacant.*

Board Member Greb: Does this meet the standard of inherently beneficial use?

Tiffany CuvIELLO: *The characteristic of the charitable organization leaves the Board the option to classify it as inherently beneficial.*

Board Member Clute: Is there a way to put the handicap parking in the back?

*That is something we can look into.*

Board Member Clute: How close is the nearest resident to the trash enclosure?

*At least 100 feet.*

Board Member Hauslet: How wide is the driveway?

*12 feet*

## **Public Comments**

Roy Heintz Jr. of 302 E. Great Creek Rd. is a member of the Elks Club. They have had no problems with the parking at the Rt. 9 location.

## **Findings and Facts**

Board Member Coleman: Having an Elks Lodge in the Township is inherently beneficial use to the Township.

Board Member Dipietro: The inherent good of the organization is phenomenal and is pleased to have them is part of the community.

Board Member Clute: Supports them one hundred percent.

Board Member Grebb: Thinks the Elks lodge is a great asset for the community. Thinks it's a great project.

Board Member McColgan: Sees no problem with coming to an agreement to litigate the problems to get them back on line where they can use the building.

Chairman Sykes: Concurs with the other board members. He would be in support of the application.

Motion to approve application #2-14 Elks Lodge use variance approval was made by Coleman and Clute 2nd the motion.

Those voting in favor: Coleman, Clute, Dipietro, Greb, McColgan and Sykes  
Recused: Hauslet

Motion to approve application #2-14 Elks Lodge variances and variances for front yard setback and side yard setback made by Greb and McColgan 2<sup>nd</sup> the motion.

Those voting in favor: Coleman, Clute, Dipietro, McColgan, Greb  
Those voting not in favor: Sykes  
Recused: Hauslet

Meeting Adjourned 9:26 pm

Submitted by Heather Butler, Administrator